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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NEIL HOLMES
635 E. Vernon Road
Philadelphia, PA 19119-3810

Plaintiff

vs.

SUNRISE CREDIT SERVICES, INC.
260 Airport Plaza
P.O. Box 9100
Farmingdale, NY 11735-9100

Defendant

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (‘FDCPA’).

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. JURISDICTION

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

5. Plaintiff is Neil Holmes. He is a consumer who resides in Philadelphia, Pennsylvania and at the address captioned.

6. Defendant Sunrise Credit Services, Inc. is believed to be a New York Corporation with a mailing address as captioned (hereinafter referred to as ‘Sunrise’).

7. Sunrise regularly engages in the collection of consumer debts using the mails and telephone.

8. Sunrise regularly attempts to collect consumer debts alleged to be due another.

9. Sunrise is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

10. On August 28, 2007, defendant Sunrise sent plaintiff a communication in an attempt to collect a consumer debt alleged due. (See Exhibit “A” attached hereto and redacted for privacy per local rule).

11. The letter is on the ostensible letterhead of David P. Duryea, Executive Vice President, Collections.

12. Defendant’s August 28, 2007 collection letter is signed in typewritten form, “Yours truly, David P. Duryea, Executive Vice President, Collections”.

13. Section 1692e of the FDCPA prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. 15 U.S.C. §1692e and §1692e(10).

14. Section 1692e(9) prohibits the sending of any written communication to a consumer which “creates a false impression as to its source, authorization, or approval”.

15. Defendant’s letter falsely, deceptively, or misleadingly represents that The Executive Vice President of Collections for Sunrise was attempting to collect the account alleged due.

16. In reality, Defendant's Executive Vice President of Collections, David P. Duryea, was not involved in the collection of Holme's alleged debt. Mr. Duryea did not author or personally direct the sending of Holme's letter.

17. The Defendant debt collector used Mr. Duryea's name and imposing title in order to enhance the response rate, notwithstanding that Duryea did not himself seek to collect, nor direct the sending of the letter.

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18. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

19. Defendant Sunrise's August 28, 2007 letter to Plaintiff violates the FDCPA by falsely, deceptively, or misleadingly representing the involvement of its Vice President in the collection process, in violation of 15 U.S.C. §1692e, §1692e(9) and §1692e(10).

WHEREFORE, Plaintiff, Neil Holmes demands judgment against Defendant Sunrise Credit Services, Inc. for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 08/26/08

/s/ Cary L. Flitter –CLF5997

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